

The article was alleged to be misbranded in that the following and similar statements in the labeling, (label) "Contains Vitamins A-B-E-G \* \* \* Four level tablespoons of Wheat Germ contain about the average daily requirement of Vitamin B," and (circular entitled "Polly Rich Wheat Germ contains vitamins A-B-E-G," attached to retail package) "Nature's Own Tonic in Its Pure Virgin Wholeness" \* \* \* The heart or embryo of the grain of wheat is known as 'Wheat Germ'. It is one of the best known sources of Vitamin B (whole complex) and E and is a good source of Vitamin A. It contains iron, phosphorus, sodium, potassium, zinc, copper, manganese, calcium and magnesium, all of which are essential to our mineral economy, in forms which are easily assimilated. Wheat Germ is in truth 'Nature's own health tonic in its pure virgin wholeness,' were false and misleading since they created the impression that wheat germ is a consequential source of vitamins A, B, E, and G and of the minerals iron, phosphorus, sodium, potassium, zinc, copper, manganese, calcium and magnesium; whereas, while wheat germ may be considered as a consequential source of vitamin B and phosphorus, the contribution to the dietary intake of the other vitamins and minerals contained in wheat germ is inconsequential. It was alleged to be misbranded further in that representations in the labeling that it was efficacious in the treatment of a wide variety of diseases and abnormalities of the body, such as secondary anemia, cataracts of the eye, sterility, and alcoholic diseases, were false and misleading since it would not be efficacious for such purposes.

It was also charged to be misbranded under the provisions of the law applicable to foods, as reported in notice of judgment F. N. J. No. 3222.

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### DRUGS ALSO FAILING TO BEAR REQUIRED INGREDIENT STATEMENT

##### **642. Misbranding of Diaplex. U. S. v. 97 Packages of Diaplex. Default decree of condemnation and destruction. (F. D. C. No. 5230. Sample No. 7684-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of diabetes. Furthermore, it was a drug but its label failed to bear the common or usual name of such drug.

On July 26, 1941, the United States attorney for the Southern District of California filed a libel against 97 packages of Diaplex at Santa Monica, Calif., alleging that the article had been shipped in interstate commerce on or about June 25, 1941, by Mrs. Alice Pierce from Wellington, Colo.; and charging that it was misbranded.

Analysis showed that the article consisted of the ground or shredded leaves and stems of a species of saltbush such as *Atriplex canescens*.

The article was alleged to be misbranded in that the following statements on the label, "Directions to doctors for those whose blood-sugar count tests 125 mgs. per 100 C. C. or over. Use four heaping tablespoons of Diaplex to the quart of water and \* \* \* an adult should use two quarts of Diaplex tea daily and a child, one, for a period of nine to eighteen months. Diaplex \* \* \* should never lower the blood-sugar below normal. Therefore a great amount is effective. Small doses are worthless for the diabetic. \* \* \* Notice: Warning! persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar reducing the amount of insulin from time to time sufficiently to avoid insulin reaction: But continue the use of Diaplex until you are well and strong," were false and misleading since they created the impression that it would be useful for reducing abnormally high blood-sugar content and as a treatment for diabetes; whereas it was not capable of accomplishing such results. It was alleged to be misbranded further in that it was a drug and its label failed to bear the common or usual name of such drug.

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

##### **643. Misbranding of Hicks' Quinine Hair Tonic. U. S. v. 5 1-Gallon Bottles and 6 8-Ounce Bottles of Hicks' Quinine Hair Tonic. Default decree of condemnation and destruction. (F. D. C. No. 6218. Sample No. 70127-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter. The label also failed to bear an accurate statement of the quantity of the contents and the common or usual names of the active ingredients present.

On December 1, 1941, the United States attorney for the Western District of North Carolina filed a libel against the above-named product at Asheville, N. C., alleging that it had been shipped in interstate commerce on or about June 2, 1941, by J. A. Hicks from Jacksonville, Fla.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of alcohol (approximately 61 percent by volume), salicylic acid (approximately 0.9 percent), quinine sulfate, water, and perfume materials.

The article was alleged to be misbranded (1) in that the statements on the label, "Quinine Hair Tonic, \* \* \* for eczema, alapacia, dandruff, itching scalp. Will promote the growth of the hair," were false and misleading as applied to an article that does not act as a tonic for the hair and does not constitute an adequate treatment for the disease condition for which it was represented; (2) in that its label failed to bear an accurate statement of the quantity of the contents; and (3) in that the label failed to bear the common or usual names of the active ingredients.

On December 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**644. Misbranding of Respirine. U. S. v. 52 Dozen Bottles of Respirine. Default decree of condemnation and destruction. (F. D. C. No. 5303. Sample Nos. 40478-E, 69242-E.)**

The labeling of this product bore false and misleading curative and therapeutic claims, and also failed to bear a statement of the quantity or proportion of belladonna alkaloids that it contained.

On July 31, 1941, the United States attorney for the Southern District of New York filed a libel against 52 dozen bottles of Respirine at New York, N. Y., alleging that the article had been shipped in interstate commerce prior to July 14, 1941, by Albert Laboratories, Inc., from Chicago, Ill., to Atlantic City, N. J., and that on or about July 14, 1941, it had been reshipped by the Atlantic City Wholesale Drug Co. from Atlantic City, N. J.; and charging that it was misbranded.

Analysis showed that it consisted essentially of sugar, water, ammonium chloride, ammonium carbonate, potassium nitrate, and alkaloidal plant drugs, including atropine and emetin-bearing drugs.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading: "\* \* \* is highly efficient in alleviating wheezing—sniffing choking attacks coughing spells and other respiratory irritations due to irritants in bronchial tubes, or—'Colds' \* \* \* in severe cases. \* \* \* to alleviate 'misery' resulting from such symptoms as: Coryza—sneezing—congested mucous membranes—wheezing—coughs—and other respiratory irritations due to irritants in bronchial tubes—or—to 'Colds.' \* \* \* Sufferers From Asthma—Bronchitis Coughs (Resulting From Common Colds) Hay Fever Thank They Lucky Stars They Discovered Respirine The Quick New Safe Way of Successfully Relieving Coughing Spells Choking Attacks Wheezing Spasms." It was alleged to be misbranded further in that the label failed to bear a statement of the quantity or proportion of belladonna alkaloids that it contained.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### VETERINARY REMEDIES

**645. Misbranding of Sea-Clo-400-D. U. S. v. 2 Cans of Sea-Clo-400-D. Default decree of condemnation and destruction. (F. D. C. No. 6255. Sample No. 50347-E.)**

This product was represented as a satisfactory substitute for poultry cod-liver oil, which representation was misleading. Spectro-photometric examination of a sample showed that the article contained approximately 400 U. S. P. units of vitamin A per gram; whereas the United States Pharmacopoeia requires that cod-liver oil contain at least 850 U. S. P. units of vitamin A per gram.

On November 21, 1941, the United States attorney for the District of Maryland filed a libel against the above-named product at Middleburg, Md., alleging that it had been shipped on or about September 13, 1941, by Seaboard Supply Co., Inc., from Philadelphia, Pa.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements on the label, "Sea-Clo-400-D, Highly Fortified Cod Liver Oil in Dry Base. Directions: In place of each 4¾ lbs. straight 85 D oil use 1 lb. Sea-Clo-400-D. For